

**HIGHLY CONFIDENTIAL PURSUANT
TO PROTECTIVE ORDER**

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16 Counsel for Defendant AIR NEW ZEALAND, LTD.

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 **IN RE TRANSPACIFIC PASSENGER AIR**
21 **TRANSPORTATION ANTITRUST**
22 **LITIGATION**

Case No.: 07-CV-5634-CRB

MDL No.: 1913

23 **This Document Relates to:**
24 **ALL ACTIONS**

STIPULATION AND ORDER SETTING
BRIEFING SCHEDULE ON CLASS
CERTIFICATION

Judge: The Honorable Charles R. Breyer

25 The parties to the within action hereby agree and stipulate as follows:

26 WHEREAS, Air New Zealand Ltd., China Airlines, Ltd., EVA Airways Corp., Philippine
27 Airlines, Inc., and All Nippon Airways Co., Ltd. filed joint and individual briefs for summary
judgment based on the Filed Rate Doctrine beginning on September 10, 2013 (Doc. 724; 728; 731;
753; 763 and 792);

28 STIPULATION AND PROPOSED ORDER
SETTING BRIEFING SCHEDULE ON CLASS
CERTIFICATION

Case No. 07-CV-05634-CRB AND MDL No. 1913

1 WHEREAS, the Court issued its Order denying in part and granting in part the Defendants
2 motions for summary judgment based upon the Filed Rate Doctrine (Doc. 945);

3 WHEREAS, All Nippon Airways Co., Ltd. ("ANA") has filed a motion for leave to file a
4 motion for reconsideration or, in the alternative, to seek interlocutory appeal concerning the Court's
5 Order of ANA's motion on the Filed Rate Doctrine (Doc. 946);

6 WHEREAS, Air New Zealand Ltd., China Airlines, Ltd., EVA Airways Corp. and Philippine
7 Airlines, Inc. have filed a joint motion requesting the Court to certify its Order (Doc. 945) for
8 interlocutory appeal (Doc. 947);

9 WHEREAS, both Defendants and Plaintiffs ("the Parties") believe it would be more efficient
10 for the Court to decide Defendants' submissions (Doc. 946 and 947) concerning the Court's Order
11 on the motions for summary judgment based upon the Filed Rate Doctrine (Doc. 945) prior to the
12 briefing of any motion for class certification;

13 WHEREAS, the time differentials between the deadlines for filing a motion for class
14 certification, opposition thereto, the reply, and any sur-reply shall remain consistent with the
15 previous Order entered by the Court on October 2, 2013 (Doc. 732);

16 NOW THEREFORE, the Parties agree and stipulate as follows:

17 1. The time by which Plaintiffs may submit their brief and any related expert report(s) in
18 support of a motion for class certification shall be extended to 90 days after this Court issues an
19 Order resolving the issues raised in Defendants' motions seeking certification for interlocutory
20 appeal and/or All Nippon Airways Co., Ltd. motion for reconsideration;

21 2. If the Court grants either Defendants' motions seeking certification for interlocutory
22 appeal and/or All Nippon Airways Co., Ltd. motion for reconsideration, then Plaintiffs may submit
23 their brief and any related expert report(s) in support of a motion for class certification 90 days after
24 the Ninth Circuit Court of Appeals decides the interlocutory appeal or 90 days after this Court
25 decides All Nippon Airways Co., Ltd. motion for reconsideration, whichever is later;

26 3. The time by which Defendants may submit their briefs in opposition to Plaintiffs'
27 motion for class certification and any related expert reports(s) shall be extended to 180 days after
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1 Plaintiffs file their brief in support of class recertification;

2 4. Plaintiffs' reply brief and any reply expert report(s) in further support of their motion
3 for class certification shall be due 60 days after Defendants file their briefs in opposition; and

4 5. Defendants' sur-replies and further expert report(s), if any are permitted by the Court,
5 in further opposition to Plaintiffs' motion for class certification shall be due 60 days after Plaintiffs
6 file their reply brief.

7 6. Any party may seek a continuance of the dates set forth in this Stipulation and
8 [Proposed] Order for good cause shown.

9 **SO STIPULATED:**

10
11 By: /s/ Christopher Lebsock
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14 Michael P. Lehmann
Christopher Lebsock
Interim Co-Lead Counsel for Plaintiffs

15 By: /s/ Steven N. Williams
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SO ORDERED

DATED: October 17, 2014

